

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6655 of 2007()

[CRIME NO.41/2007 OF AGALI EXCISE RANGE]

PETITIONER/ACCUSED:

GEORGE, S/O.LATE KURIAN, AGED 34 YEARS,
PANDIKKAD HOUSE, KALLAMALA, KALLAMALA VILLAGE,
MANNARKKAD, PALAKKAD DISTRICT.

BY ADV. SRI.V.A.AJAI KUMAR

RESPONDENTS: COMPLAINANT:

1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. THE EXCISE INSPECTOR,
AGALI EXCISE RANGE, AGALI,
MANNARKKAD. PIN 686 019.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

B.A.No.6655 of 2007

Dated this the 31st day of October 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. The petitioner had come to this court earlier seeking anticipatory bail and by order dated 9/10/2007 in B.A.No.6122/07, that petition was dismissed. I have adverted to facts in detail in the said order. This order must be read in continuation of the said order. I am not hence adverting to facts in detail. The petitioner has subsequently surrendered before the learned Magistrate on 25/10/2007. The investigation is in progress. The petitioner continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is innocent. The recovery is effected not from his house but allegedly from the property adjacent to his house. The petitioner was not even available when the seizure was effected. The petitioner was sick also, it is submitted. It is prayed that in these circumstances regular bail may be granted to the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that all available indications point to the culpability of the petitioner. The petitioner is not, in these circumstances, entitled to regular bail, submits the learned Public Prosecutor.

4. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

5. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the courts below for bail at later stage of the investigation, not at any rate, prior to 14/11/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007